

6 lineation or erasure but shall follow some such characterizing words
7 as "changed thus", indicating that the same was refused as requested.
[C. C. 7500, 7502, 7504; modified.]

1 SEC. 3. **Instructions given by the court.** The court shall instruct
2 the jury as to the law applicable to all the material issues in the case
3 and such instructions shall be in writing and in consecutively num-
4 bered paragraphs and shall be read to the jury without oral or other
5 comment or explanation.

[C. C. 7500, 7504, modified.]

1 SEC. 4. **Record.** All instructions requested or given shall be filed
2 by the clerk and be a part of the record.

[C. C. 7503, modified.]

1 SEC. 5. **Instructions—exceptions.** Any party may take and file
2 exceptions to the instructions of the court or any part of the instruc-
3 tions given or to the refusal to give any instructions as requested
4 within five (5) days after the verdict in the cause is filed or within
5 such further time as the court may allow and may include the same
6 or any part thereof in a motion for a new trial, but all such exceptions
7 shall specify the part of the instructions as excepted to, or of the
8 instructions requested and refused and the grounds of such exceptions.

[C. C. 7501, 7505, modified.]

Approved March 8, A. D. 1923.

CHAPTER 269

COSTS

H. F. 233

AN ACT to amend, revise and codify section seven thousand six hundred fourteen (7614) of the compiled code of Iowa, relating to costs.

Be it enacted by the General Assembly of the State of Iowa:

That section seven thousand six hundred fourteen (7614) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 SECTION 1. **Recoverable by successful party.** Costs shall be recov-
2 ered by the successful against the losing party. The losing party,
3 however, shall not be assessed with the cost of mileage of any wit-
4 ness for a distance of more than one hundred (100) miles from
5 the place of trial, unless otherwise ordered by the court at the time
6 of entering judgment.

[C. C. 7614, modified.]

1 SEC. 2. **Apportioning costs.** Where the party is successful as to
2 a part of his demand, and fails as to part, unless the case is otherwise

3 provided for, the court on rendering judgment may make an equitable
4 apportionment of costs.

[C. C. 7614.]

Approved February 19, A. D. 1923.

CHAPTER 270

PROBATE COURT

S. F. 235

AN ACT to provide for a change of venue in probate proceedings and the manner of transferring the same.

Be it enacted by the General Assembly of the State of Iowa:

1 **SECTION 1. Transfer of proceedings in probate.** That in any pro-
2 ceeding in probate the court may, on written showing, supported by
3 affidavit and on such notice to interested parties as the court may
4 prescribe, transfer such proceeding to any other county, when it is
5 made to appear that such transfer will be in furtherance of justice,
6 and the same shall thereupon be pending in such other county.

1 **SEC. 2. Duty of clerk.** The clerk of the court ordering the transfer
2 shall retain the original files and papers, but shall make a certified
3 copy thereof, and of all record entries pertaining to the proceedings,
4 and at once file the same in the office of the clerk of the court to which
5 the transfer has been made.

1 **SEC. 3. Record required.** The clerk of the court to which the
2 proceedings are transferred shall record at length, in the probate
3 records of his county, the certified copy of the record entries referred
4 to in the preceding section.

Approved February 16, A. D. 1923.

CHAPTER 271

FORCIBLE ENTRY OR DETENTION

S. F. 243

AN ACT to amend, revise and codify sections eighty hundred eighty-seven (8087) and eighty hundred eighty-nine (8089) of the compiled code of Iowa, relating to forcible entry or detention of real property.

Be it enacted by the General Assembly of the State of Iowa:

That eighty hundred eighty-seven (8087) of the compiled code of Iowa is amended, revised and codified to read as follows:

1 **SECTION 1. Grounds.** A summary remedy for forcible entry or
2 detention of real property is allowable: